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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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12 NELSON MOTIVATION, INC. and ) CV 16-1843-RSWL-MRWx  
13 BOB NELSON, )  
14 Plaintiffs, ) **ORDER** re: Defendant  
15 v. ) David Olson's Motion to  
16 ) Dismiss for Lack of  
17 ) Personal Jurisdiction  
18 ) [14]  
19 )  
20 WALTON MOTIVATION, INC; )  
DAVID OLSON; and DOES 1-10, )  
Defendants. )  
\_\_\_\_\_ )

21 Currently before the Court is Defendant David  
22 Olson's ("Olson") Motion to Dismiss pursuant to Federal  
23 Rule of Civil Procedure 12(b)(2) for lack of personal  
24 jurisdiction [14] ("Motion"). Having reviewed all  
25 papers submitted pertaining to this Motion, the Court  
26 **NOW FINDS AND RULES AS FOLLOWS:** the Court **DENIES** the  
27 Motion.

28 / / /

## I. BACKGROUND

Plaintiff Nelson Motivation, Inc. ("NMI") is a California corporation located in San Diego, California. Compl. ¶ 2, ECF No. 1. NMI is in the business of providing management training and consulting. Id. at ¶ 16.

Plaintiff Dr. Bob Nelson ("Nelson") is an individual residing in San Diego.<sup>1</sup> Id. at ¶ 3. Nelson is the president of NMI. Id. at ¶ 16. Nelson is also a leading expert on employee motivation, performance, engagement, recognition, and rewards. Id. at ¶ 12. Nelson assigned to NMI his copyright rights in the works entitled "1501 Ways to Reward Employees" and "1001 Ways to Reward Employees" (collectively, "the Works"), which are the subject of U.S. Copyright Registration Nos. TX 7-547-752, TX 6-196-443, and TX 3-789-192. Id. at ¶ 15.

Defendant Walton is a Pennsylvania corporation. Id. at ¶ 4. Defendant Olson is an individual residing in Allentown, Pennsylvania and is an officer of Walton. Id. at ¶ 5.

On or about April 20, 2010, NMI entered into a license agreement (the "License Agreement") with Walton, granting Walton the right to use Plaintiffs' intellectual property, including Plaintiffs' trademarks, copyrights in the Works, and Nelson's

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<sup>1</sup> Collectively, NMI and Nelson are "Plaintiffs."

1 likeness.<sup>2</sup> Id. at ¶ 17.

2 In April 2015, the License Agreement terminated.  
3 Id. at ¶¶ 20-21. Defendants, however, allegedly  
4 continued to use Plaintiffs' name, likeness, and the  
5 Works in advertising their software service,  
6 RecognitionPRO. Id. at ¶ 21.

7 Plaintiffs demanded that Defendants cease all use  
8 of Plaintiffs' name, likeness, and the Works, but  
9 Defendants allegedly failed to comply. Id. at ¶ 23.

10 On March 17, 2016, Plaintiffs filed a Complaint [1]  
11 against Defendants alleging seven claims: (1) federal  
12 copyright infringement; (2) breach of contract; (3)  
13 misappropriation of name and likeness under California  
14 law; (4) violation of the right of publicity under  
15 California law; (5) declaratory relief; (6) California  
16 unfair competition; and (7) common law unfair  
17 competition. Plaintiffs allege in their Complaint that  
18 Olson had full knowledge of the infringement and  
19 misappropriation of Nelson's likeness, and individually  
20 directed the infringing acts and omissions. Id. at ¶  
21 24. Plaintiffs further allege that Olson provided for  
22 the forfeiture of Nelson's shares to gain a personal  
23 profit. Id.

24 Olson filed the instant Motion [14] on May 20,  
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26 <sup>2</sup> As a part of Nelson's compensation for the License  
27 Agreement, he was granted eight of the one hundred original  
28 shares in Walton. Compl. ¶ 18. Nelson subsequently acquired one  
additional share, and his nine shares were split ten to one,  
becoming ninety total shares of stock. Id.

1 2016. Plaintiffs' Opposition [15] and Olson's Reply  
2 [16] were timely filed, and the Motion was taken under  
3 submission on June 24, 2016.

## 4 II. DISCUSSION

### 5 A. Legal Standard

#### 6 1. Federal Rule of Civil Procedure 12(b)(2)

7 An action may be dismissed for lack of personal  
8 jurisdiction pursuant to Federal Rule of Civil  
9 Procedure 12(b)(2). On a Rule 12(b)(2) motion, the  
10 plaintiff bears the burden to demonstrate that the  
11 court may properly exercise jurisdiction over the  
12 defendant. Pebble Beach Co. v. Caddy, 453 F.3d 1151,  
13 1154 (9th Cir. 2006); Barantsevich v. VTB Bank, 954 F.  
14 Supp. 2d 972, 981 (C.D. Cal. 2013). Absent formal  
15 discovery or an evidentiary hearing, the plaintiff need  
16 only make a prima facie showing that jurisdiction is  
17 proper to survive dismissal. Pebble Beach, 453 F.3d at  
18 1154.

19 To satisfy this burden, the plaintiff can rely on  
20 the allegations in the complaint to the extent they are  
21 not controverted by the moving party. Barantsevich,  
22 954 F. Supp. 2d at 982; Doe v. Unocal Corp., 248 F.3d  
23 915, 922 (9th Cir. 2001) ("Where not directly  
24 controverted, plaintiff's version of the facts is taken  
25 as true for purposes of a 12(b)(2) motion to  
26 dismiss."). If defendants adduce evidence  
27 controverting the allegations, however, the plaintiff  
28 must "come forward with facts, by affidavit or

1 otherwise, supporting personal jurisdiction."  
2 Barantsevich, 954 F. Supp. 2d at 982 (quoting Scott v.  
3 Breeland, 792 F.2d 925, 927 (9th Cir. 1986)).  
4 Conflicts between the parties over statements contained  
5 in affidavits or declarations must be resolved in  
6 plaintiff's favor. Schwarzenegger v. Fred Martin Motor  
7 Co., 374 F.3d 797, 800 (9th Cir. 2004); Love v.  
8 Associated Newspapers, Ltd., 611 F.3d 601, 608 (9th Cir.  
9 2010). "At the same time, however, the plaintiff must  
10 submit admissible evidence in support of its prima  
11 facie case." Am. Inst. of Intradermal Cosmetics, Inc.  
12 v. Soc'y of Permanent Cosmetic Prof'ls, No. CV 12-06887  
13 GAF (JCGx), 2013 WL 1685558, at \*4 (C.D. Cal. Apr. 16,  
14 2013).

15 **B. Discussion**

16 "[P]ersonal jurisdiction over a defendant is proper  
17 if it is permitted by a long-arm statute and if the  
18 exercise of that jurisdiction does not violate federal  
19 due process." Pebble Beach, 453 F.3d at 1154-55.  
20 California authorizes jurisdiction to the full extent  
21 permitted by the Constitution. See Cal. Code Civ.  
22 Proc. § 410. Therefore, the only question this Court  
23 must ask is whether the exercise of jurisdiction over  
24 Olson would be consistent with due process. Harris  
25 Rutsky & Co. Ins. Servs., Inc. v. Bell & Clements Ltd.,  
26 328 F.3d 1122, 1129 (9th Cir. 2003).

27 Due process requires that a defendant must have  
28 such "minimum contacts" with the forum state that

1 "maintenance of the suit does not offend traditional  
2 notions of fair play and substantial justice." Int'l  
3 Shoe Co. v. Washington, 326 U.S. 310, 316 (1945). The  
4 minimum contacts requirement means that the defendant  
5 must have purposefully availed himself of the privilege  
6 of conducting activities within the forum, thereby  
7 invoking the benefits and protections of the forum's  
8 laws. See Asahi Metal Indus. Co. v. Sup. Ct. of Cal.,  
9 480 U.S. 102, 109 (1987).

10 There are two recognized bases for exercising  
11 jurisdiction over a non-resident defendant: (1)  
12 "general jurisdiction," which arises where defendant's  
13 activities in the forum are sufficiently "substantial"  
14 or "continuous and systematic" to justify the exercise  
15 of jurisdiction over him in all matters; and (2)  
16 "specific jurisdiction," which arises when a  
17 defendant's contacts with the forum give rise to the  
18 claim in question. Helicopteros Nacionales de  
19 Colombia, S.A. v. Hall, 466 U.S. 408, 414-16 (1984);  
20 Doe v. Am. Nat'l Red Cross, 112 F.3d 1048, 1050-51 (9th  
21 Cir. 1997).

22 1. Jurisdiction Over an Employee

23 Olson argues that he is merely an officer of  
24 Walton, and Walton's contacts with California cannot be  
25 imputed to him to establish personal jurisdiction.  
26 Reply 5:19-20. Olson argues that he, as an individual,  
27 does not have sufficient contacts with California to  
28 establish personal jurisdiction. Id. at 6:7-11.

1 The Supreme Court has explained that employees'  
2 "contacts with California are not to be judged  
3 according to their employer's activities there. On the  
4 other hand, their status as employees does not somehow  
5 insulate them from jurisdiction. Each defendant's  
6 contacts with the forum State must be assessed  
7 individually." Calder v. Jones, 465 U.S. 783, 790  
8 (1984); see also Rush v. Savchuk, 444 U.S. 320, 332  
9 (1980).

10 As discussed below, Plaintiffs have alleged  
11 sufficient facts to demonstrate that this Court has  
12 specific personal jurisdiction over Olson. Olson's  
13 status as an officer of Walton does not insulate him  
14 from personal jurisdiction.

15 2. Specific Personal Jurisdiction

16 The Ninth Circuit has established a three-prong  
17 test for analyzing a claim of specific personal  
18 jurisdiction:

19 "(1) The non-resident defendant must  
20 purposefully direct his activities or  
21 consummate some transaction with the forum or  
22 resident thereof; or perform some act by which  
23 he purposefully avails himself of the privilege  
24 of conducting activities in the forum, thereby  
25 invoking the benefits and protections of its  
26 laws;

27 (2) the claim must be one which arises out of  
28 or relates to the defendant's forum-related

1 activities; and

2 (3) the exercise of jurisdiction must comport  
3 with fair play and substantial justice, i.e.,  
4 it must be reasonable."

5 Schwarzenegger, 374 F.3d at 801-802.

6 The plaintiff bears the burden to satisfy the first  
7 two prongs of the test. Id. at 802. If the plaintiff  
8 fails to satisfy either of these prongs, personal  
9 jurisdiction is not established in the forum state.

10 Id. If the plaintiff succeeds in satisfying both of  
11 the first two prongs, the burden then shifts to the  
12 defendant to "'present a compelling case' that the  
13 exercise of jurisdiction would not be reasonable." Id.  
14 (citing Burger King Corp. v. Rudzewicz, 471 U.S. 462,  
15 476-78 (1985)).

16 a. *Purposeful Availment or Direction*

17 Under the first prong of the three-part specific  
18 jurisdiction test, the plaintiff must establish that  
19 the defendant either purposefully availed itself of the  
20 privilege of conducting activities in California, or  
21 purposefully directed its activities toward California.

22 Id. "A purposeful availment analysis is most often  
23 used in suits sounding in contract." Id. (citing  
24 Unocal Corp., 248 F.3d at 924). "A purposeful  
25 direction analysis, on the other hand, is most often  
26 used in suits sounding in tort." Id. (citing Dole Food  
27 Co., Inc. v. Watts, 303 F.3d 1104, 1111 (9th Cir.  
28 2002)). Although Plaintiffs assert both contract and



1 tort claims against Defendants, this suit sounds in  
2 tort, as Plaintiffs primarily seek relief for copyright  
3 infringement and related causes of action. Therefore,  
4 the Court applies a "purposeful direction" analysis.

5 In tort cases, courts apply an "'effects' test that  
6 focuses on the forum in which the defendant's actions  
7 were felt, whether or not the actions themselves  
8 occurred within the forum." Yahoo! Inc. v. La Ligue  
9 Contre Le Racisme, 433 F.3d 1199, 1206 (9th Cir. 2006)  
10 (citations omitted). This test, also known as the  
11 Calder<sup>3</sup> effects test, requires that "the defendant  
12 allegedly must have (1) committed an intentional act,  
13 (2) expressly aimed at the forum state, (3) causing  
14 harm that the defendant knows is likely to be suffered  
15 in the forum state." Id. (citation omitted). All  
16 three parts of the test must be satisfied.  
17 Schwarzenegger, 374 F.3d at 805.

18 i. *Intentional Act*

19 For the first element, "intent" refers to "an  
20 intent to perform an actual, physical act in the real  
21 world, rather than an intent to accomplish a result or  
22 consequence of that act." Schwarzenegger, 374 F.3d at  
23 806. In Calder, for example, the intentional acts  
24 committed by the reporter and editor were the  
25 researching, writing, editing, and publishing of an  
26 allegedly libelous tabloid news article, all of which  
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28 <sup>3</sup> Calder v. Jones, 465 U.S. 783 (1984).

1 occurred in Florida. 465 U.S. at 789.

2 Here, Olson allegedly committed several intentional  
3 acts. First, he traveled to California to solicit and  
4 transact business with Plaintiffs. See Decl. of Dr.  
5 Bob Nelson ("Nelson Decl.") ¶¶ 2-5, ECF No. 15-1.  
6 While in California, the parties entered into the  
7 License Agreement, and Olson personally executed the  
8 License Agreement. Id. at ¶¶ 4-5. Olson subsequently  
9 made multiple trips to meet with Plaintiffs in relation  
10 to the License Agreement, and directed Plaintiffs to  
11 conduct all substantial deliverables under the License  
12 Agreement in California. Id. at ¶¶ 5-6.

13 Moreover, Olson allegedly committed an intentional  
14 act when he directed Walton to use Plaintiffs' property  
15 after the License Agreement had expired, as alleged in  
16 the Complaint and demonstrated by an email from Olson  
17 acknowledging such use. Compl. ¶ 24; Decl. of Ben T.  
18 Lila ("Lila Decl."), Ex. B, ECF No. 15-2. The email  
19 shows that Olson exercises control over Walton's  
20 website, and personally instructed the web developer to  
21 remove Plaintiffs' property from the site. Lila Decl.,  
22 Ex. B; see also Suppl. Decl. of David Olson ("Suppl.  
23 Olson Decl.") ¶ 7, ECF No. 16-1. However, not all of  
24 Plaintiffs' information was removed. Lila Decl., Ex.  
25 B.

26 Lastly, Olson's alleged action in forfeiting  
27 Nelson's shares for personal profit is an intentional  
28 act. See Compl. ¶ 24.

1                   ii. *Express Aiming*

2           The second element of the Calder effects test  
3 requires that the defendant's conduct be expressly  
4 aimed at the forum. Brayton Purcell LLP v. Recordon &  
5 Recordon, 606 F.3d 1124, 1129 (9th Cir. 2010). Express  
6 aiming "is satisfied when the defendant is alleged to  
7 have engaged in wrongful conduct targeted at a  
8 plaintiff whom the defendant knows to be a resident of  
9 the forum state." Bancroft & Masters, Inc. v. Augusta  
10 Nat'l Inc., 223 F.3d 1082, 1087 (9th Cir. 2000); see  
11 also Calder, 465 U.S. at 788.

12           Here, Olson's intentional, and allegedly tortious,  
13 actions were expressly aimed at Plaintiffs in  
14 California. This is not a case of "mere untargeted  
15 negligence," which separates it from cases in which  
16 courts have found the effects test unsatisfied.  
17 Bancroft, 223 F.3d at 1088.

18           Olson made three trips to California in connection  
19 with the Licensing Agreement. Olson Decl. ¶ 14; Nelson  
20 Decl. ¶¶ 3-6. During these trips, Olson met with  
21 Plaintiff Nelson, and signed the Licensing Agreement  
22 which gave rise to Plaintiffs' Complaint.<sup>4</sup> Nelson Decl.  
23 ¶¶ 5-6. The License Agreement which makes clear that  
24 Plaintiffs' place of business is in San Diego,

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26  
27           <sup>4</sup> Although the parties dispute where the Licensing Agreement  
28 was signed, Plaintiffs' declarations are taken as true on a Rule  
12(b)(2) motion to dismiss. See Schwarzenegger, 374 F.3d at 800.

1 California. License Agreement, Ex. B to Compl., ECF  
2 No. 1-1. Thus, Olson knew that his allegedly tortious  
3 actions in (1) directing Walton to continue to use  
4 Plaintiffs' property after termination of the License  
5 Agreement, and (2) forfeiting Nelson's shares to gain a  
6 personal profit, would have a potentially devastating  
7 impact on NMI, a California corporation, and Nelson, a  
8 California resident. Compl. ¶¶ 24, 49-53.

9                   iii.       *Foreseeable Harm*

10       The final element of the Calder effects test  
11 requires that Olson's conduct caused harm that he knew  
12 was likely to be suffered in the forum. Brayton  
13 Purcell, 606 F.3d at 1131 (citation omitted). This  
14 element is satisfied when defendant's intentional act  
15 has "foreseeable effects" in the forum. Id.

16       In Brayton Purcell, the Ninth Circuit found this  
17 element to be satisfied because the plaintiff would be  
18 harmed by infringement of its copyright, and it was  
19 foreseeable that some of this harm would occur in the  
20 forum where the plaintiff was known to reside. Id.  
21 The Ninth Circuit emphasized the plaintiff's  
22 allegations that "a substantial part of the events  
23 giving rise to the claims occurred in [the forum]" and  
24 that the defendant committed its "infringing acts . . .  
25 knowing [plaintiff] is a resident of this [forum] and  
26 would suffer any injuries from Defendants' conduct in  
27 this District." Id.

28       Similarly here, Plaintiffs would be harmed by

1 infringement of their copyrights, misappropriation of  
2 their likeness, and violation of their right of  
3 publicity. Olson knew that Plaintiffs were located in  
4 California, and therefore, it is foreseeable that some  
5 of this harm would occur in California. Moreover,  
6 Plaintiffs allege in their Complaint that "a  
7 substantial part of the events or omissions giving rise  
8 to the claims herein occurred in this district."

9 Compl. ¶ 11. Accordingly, Plaintiffs have alleged  
10 sufficient facts to make a prima facie showing that  
11 Olson knew that the harm caused by his alleged conduct  
12 was likely to be suffered in California.

13 In sum, Plaintiffs have satisfied the "purposeful  
14 direction" prong for specific personal jurisdiction.

15 b. *Arising From Forum-Related Activities*

16 The Ninth Circuit employs a "but for" test to  
17 determine whether a claim arises from forum-related  
18 activities. Ballard v. Savage, 65 F.3d 1495, 1500  
19 (9th Cir. 1995). In Ballard, the court found that if  
20 the defendant had not done business in the United  
21 States, the plaintiff would not have a claim against  
22 them. Id. Ballard is similar to this case. If Olson  
23 had not entered into the License Agreement with  
24 Plaintiffs in California, there would be no claim  
25 against him. Plaintiffs have made a prima facie  
26 showing that their claims arise from Olson's forum-  
27 related activities.

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1           c. *Reasonableness*

2           Once it has been decided that a defendant  
3 purposefully established minimum contacts within the  
4 forum state, these contacts may be considered in light  
5 of other factors to determine whether the assertion of  
6 personal jurisdiction would comport with "fair play and  
7 substantial justice." Burger King v. Rudzewicz, 471  
8 U.S. 462, 476 (1985) (citing Int'l Shoe, 326 U.S. at  
9 320). Where a defendant purposefully directs his  
10 activities at forum residents, he must present a  
11 "compelling case" that the presence of some other  
12 considerations would render jurisdiction unreasonable.  
13 Id. at 477.

14          Here, Plaintiffs have established that the first  
15 two prongs for the exercise of specific personal  
16 jurisdiction are satisfied. This places the burden on  
17 Olson to present a compelling case that jurisdiction is  
18 unreasonable. Burger King, 471 U.S. at 476-77.

19          When addressing the question of reasonableness, the  
20 Ninth Circuit balances seven factors: (1) the extent of  
21 defendant's purposeful interjection; (2) the burden on  
22 the defendant; (3) conflicts of law between the forum  
23 and defendant's home jurisdiction; (4) the forum's  
24 interest in adjudicating the dispute; (5) the most  
25 efficient judicial resolution of the dispute; (6) the  
26 plaintiff's interest in convenient and effective  
27 relief; and (7) the existence of an alternative forum.  
28 Roth v. Garcia Marquez, 942 F.2d 617, 623 (9th Cir.

1 1991). The Court addresses each factor below.

2 i. *Purposeful Interjection*

3 The factor of purposeful interjection is analogous  
4 to the purposeful direction analysis discussed above.  
5 Sinatra v. Nat'l Enquirer, Inc., 854 F.2d 1191, 1199  
6 (9th Cir. 1988). There is no need to analyze this  
7 factor separately. Roth, 942 F.2d at 623. As  
8 discussed above, Olson's actions were purposefully  
9 directed toward California residents. Accordingly,  
10 this factor weighs strongly in favor of finding that  
11 the exercise of personal jurisdiction over Olson is  
12 reasonable.

13 ii. *Defendant's Burden in Litigating*

14 Olson argues that the burden on him to litigate is  
15 California is "both obvious and onerous." Mot. 9:23-  
16 25. Although it may be more burdensome for Olson to  
17 litigate here than for him to litigate in Pennsylvania,  
18 "unless such inconvenience is so great as to constitute  
19 a deprivation of due process, it will not overcome  
20 clear justifications for the exercise of jurisdiction."  
21 Roth, 942 F.2d at 623. Olson does not make a  
22 compelling case that the inconvenience here is so great  
23 as to deprive him of due process. Nonetheless, this  
24 factor slightly favors Olson.

25 iii. *Extent of Conflict with*

26 *Sovereignty of Defendant's State*

27 The third factor involves evaluating the extent of  
28 any conflict with the sovereignty of the defendant's

1 home state. Allstar Mktg. Grp., LLC v. Your Store  
2 Online, LLC, 666 F. Supp. 2d 1109, 1124-25 (C.D. Cal.  
3 2009). "Litigation against an alien defendant creates  
4 a higher jurisdictional barrier than litigation against  
5 a citizen from a sister state because important  
6 sovereignty concerns exist." Sinatra, 854 F.2d at  
7 1199. Olson, however, is a citizen of Pennsylvania  
8 rather than of a foreign nation. Accordingly, any  
9 conflicting sovereignty interests can be accommodated  
10 through choice-of-law rules, and this factor does not  
11 weigh heavily in the Court's assessment of  
12 reasonableness. See Allstar, 666 F. Supp. 2d at 1125.  
13 This factor is neutral.

14 *iv. Forum State's Interest*

15 The fourth factor is California's interest in  
16 adjudicating the controversy. "California maintains a  
17 strong interest in providing an effective means of  
18 redress for its residents tortiously injured."  
19 Sinatra, 854 F.2d at 1200. Accordingly, California  
20 possesses a clear interest in protecting Plaintiffs as  
21 California residents. This factor supports the  
22 reasonableness of an exercise of jurisdiction in this  
23 case.

24 *v. Efficient Judicial Resolution*

25 The fifth factor focuses on the location of the  
26 evidence and witnesses. Panavision Int'l, L.P. v.  
27 Toeppen, 141 F.3d 1316, 1323-24 (9th Cir. 1998).  
28 Nothing in the record suggests that California is a



1 more or less efficient location than an alternate  
2 forum. This factor is neutral.

3                   vi. *Convenient and Effective Relief for*  
4                   *Plaintiffs*

5           The sixth factor is the importance of the forum to  
6 plaintiff's interest in convenient and effective  
7 relief. "[N]either the Supreme Court nor the Ninth  
8 Circuit has given much weight to inconvenience to the  
9 plaintiff." Allstar, 666 F. Supp. 2d at 1125 (quoting  
10 Ziegler v. Indian River Cnty., 64 F.3d 470, 476 (9th  
11 Cir. 1995)). Nothing in the record establishes that  
12 effective relief is more available to Plaintiffs in  
13 California than in an alternate forum. As with the  
14 fifth factor above, this factor is neutral.

15                   vii. *Alternative Forum*

16           The final factor is the availability of an  
17 alternate forum. Plaintiff bears the burden of proving  
18 the unavailability of an alternative forum. Ziegler,  
19 64 F.3d at 476. Here, Plaintiffs do not show that  
20 Pennsylvania is unavailable as an alternative forum.  
21 This factor weighs in favor of Olson.

22                   viii. *Conclusion*

23           In sum, factors 2 and 7 (burden on defendant and  
24 available alternate forum) favor Olson. Factors 3, 5,  
25 and 6 (Pennsylvania's sovereignty interests,  
26 efficiency, and convenience and effectiveness of  
27 relief) are neutral. Factors 1 and 4 (degree of  
28 interjection and California's interest) weigh

1 significantly in favor of Plaintiffs.

2 On balance, Olson does not present a "compelling  
3 case" that this Court's exercise of jurisdiction would  
4 be unreasonable, especially given the significance of  
5 factors 1 and 4. Olson therefore fails to overcome the  
6 presumption that exercising jurisdiction would be  
7 reasonable. See Roth, 942 F.2d at 625.

### 8 **III. CONCLUSION**

9 For these reasons, the Court finds that Plaintiffs  
10 make a prima facie showing that the exercise of  
11 specific personal jurisdiction is proper. Accordingly,  
12 the Court **DENIES** Olson's Motion.

13 **IT IS SO ORDERED.**

14  
15 DATED: July 29, 2016

s/ RONALD S.W. LEW

16 **HONORABLE RONALD S.W. LEW**  
17 Senior U.S. District Judge  
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